



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
OFFICE: 250-557-4295
Public Works: 250-557-4295
FAX: 250-557-4568
Email: office@portclements.ca
Web: www.portclements.ca

7:00 p.m. Regular Meeting of Council, Monday, September 16th, 2019

AGENDA

1. ADOPT AGENDA

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS

D-1— Improvement Projects – Wayne Nicol

3. MINUTES

M-1— September 3rd, 2019 Regular Council Meeting Minutes

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS

5. ORIGINAL CORRESPONDENCE

C-1 – Board Highlights, August 2019 – North Coast Regional District

6. FINANCE

7. GOVERNMENT

G-1— Permissive Exemption Bylaw No. 454, 2019 – Deputy Clerk Cumming

G-2 – Purchasing Policy No.03 -- Review & Amend – CAO Decock

G-3—Northern Capital and Planning Grant Reserve Bylaw – Municipal Management Intern
Welford

G-4—Request for Meeting with Minister--Gwaii Trust Society

G-5—NDIT Fall Grants for MIEDS: Business Façade, Grant Writer and Economic
Development Capacity Building Program Grant Applications -- MIEDS

Recommended Motions: *THAT the Village of Port Clements agrees to support a grant application to the
Northern Development Initiative Trust for up to \$20,000 from the 2020 Business
Façade Program.*

*THAT the Village of Port Clements agrees to support a grant application to the
Northern Development Initiative Trust for up to \$8,000 from the 2020 Grant Writing
Support program.*

*THAT the Village of Port Clements agrees to support a grant application to the
Northern Development Initiative Trust for up to \$50,000 from the 2020 Economic
Development Capacity Building program.*

*(Application Deadlines for Grants are October 31, 2019, March 31, 2020 and January 31,
2020 respectively).*

8. NEW BUSINESS

9. REPORTS & DISCUSSIONS

10. ACTION ITEMS

A-1 – see Action Items list.

11. QUESTIONS FROM THE PUBLIC & PRESS

12. IN-CAMERA

As per section 90(1)(j) of the *Community Charter*

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

13. ADJOURNMENT



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
www.portclements.ca

For more information please contact by:
Phone: 250-557-4295
FAX: 250-557-4568
Email: cao@portclements.ca

Delegation to Council Application Form

Applicant Group/Individual Name: Wayne Nicol
Mailing Address: P.O. Box 245
Telephone: 250-557 2434 **Email:** info@trueshaftarchery.com

Subject of Delegation: Benches & Gazebo.

Purpose of Delegation:

Please note that delegations regarding any aspect of an Official Community Plan or a zoning application are prohibited between the conclusion of a Public Hearing and the adoption of a Bylaw and may not come before Council at that time.

- ☐ Question for council
- ☐ Requesting information
- ☐ Requesting a letter of support
- ☐ Requesting funding
- ☐ Other (provide details): Project approval

Contact Person (if different from above): Wayne Nicol
Telephone number: _____ **Email:** _____

It is recommended that if an applicant has a deadline or specific time constraint then the applicant should make their delegation application to a Council Meeting that has at least one other Council Meeting occurring before this deadline.

Please note that your delegation may not be on the date requested due to prior commitments, staff resources or at the Chief Administrative Officers' discretion due to subject matter. Your delegation is not confirmed until it is approved by the CAO and you have been contacted by Village staff.

Council Meeting date requested: 21/6 Sept 2019
Attending delegate (if different from above): Wayne Nicol

D-1

Delegation Requirements:

If approved the name of the delegation and its subject will be published in the Council Meeting Agenda, which is made available to the public and on our website. This is not optional and cannot be withdrawn from the public record.

If you wish to provide supporting documentation to be published in the Agenda, it must be provided to our office no later than **1:00 PM on the Wednesday prior to the Council Meeting**. After the Agenda's deadline the delegation must bring its supporting document to the Council Meeting for distribution. It is mandatory to bring 7 copies for Council and Staff

Delegation Rules at Council Meetings:

1. **The delegation has a 10 minute time limit for speaking to Council.** This limit is regardless of how many speakers the delegation presents as part of their delegation. This limit also includes time for any questions.
2. The presentation must be directed at Council in a respectful and collaborative manner. The meeting Chairperson will indicate who has the turn to speak and in what order: interrupting and talking over someone when they are speaking is strongly discouraged. Disrespectful and abusive language will not be tolerated.
3. **Do not expect an immediate answer or response to your delegation:** Council may refer to staff for more information or postpone it to another meeting for further consideration. Council reserves the right to make its decision in its own time and will not be pressed to a decision due to a delegate's deadline.

I understand and agree that I have been advised on the rules and requirements of a delegation to Council and I agree to these terms.

Name: Wayne Nicol

Date: 11 Sept. 2019

Signature: [Signature]

For Office Use Only:

Date Application Received: Sept 11, 2019 Documents Submitted with Application: Yes

Application Received by: Emily Welford Signature: [Signature]

☒ Approved

☐ Declined

☐ Other (please specify): _____

Council Meeting Appearance date of Delegation: September 16, 2019.

[Signature]
Signature of Chief Administrative Officer

September 12, 2019
Signature Date

0-1

Costs

Benches, made locally from Cedar and concrete @\$700 ea	\$2100.00
mini excavator at the sani dump site. to cut a slot through the berm, and prep for the steps- 1 hr @	\$100.00
mini excavator at the gazebo / small craft harbour site. to prep for the steps to the beach- 1 hr @	\$100.00
purchase of Gazebo	\$6000.00
Assembly of the Gazebo-	no charge
Overseer and co-ordination of the projects-	no charge
Construction of Flagstone steps at 2 sites	no charge

I am currently in the process of acquiring quotes for the Gazebo to be manufactured locally from local cedar, and will have those final figures available at the council meeting.

Application to appear as a delegation before council.

9 Sept. 2019

Wayne Nicol. 250 557 2434

With bigger projects, understandably, taking time to approve, authorize and fund, I still feel that as a community we should try to move ahead with some smaller, less intrusive projects.

There has been consideration given to beautifying the walking trail, and adding to the general seating, and relaxation viewpoint versatility of the town.

I would like to propose the placement of 3 park benches, (2 on the trail, and 1 at the "sani dump"). Additionally, the construction of a small Cedar Gazebo at the entrance to the small craft harbour.

Sani Dump bench.

I see that the berm at the end of the pavement is there as a safety barrier, but a bench placed to the side, on the grassy area- with a narrow walkway cut through the berm, and a few stone flagstone steps down to the beach- would be very attractive, practical, and of minimal impact to the existing infrastructure.

Trail Bench #1.

A bench with a view, overlooking Joan D.H's home.
Adjacent to the path in a small "turnout"

Trail Bench #2

A cooler, more secluded bench site- with a carefully chosen viewscape- something that incorporates the density and aesthetics of the forests, possibly with 2 or 3 easily accessible and maintained bird feeders.

"Dockside Lounge Gazebo" see "A" on affixed map

A cedar gazebo on the west side of the entrance to the small craft harbour, on an unpaved area adjacent to the beach.

Creating a space for visitors/ locals to sit, relax and linger at the dock/ water's edge.

I see many tourists strolling down to the dock during the summer, and this would be a great place to afford a protected seating/ picnicking area.

It would improve the aesthetics of the parking area, and create a nice access point to the hugely underutilised section of sandy beach at that point.

Again, a set of flagstone steps to the beach, would create a very attractive site.

D-1

[Home](#) / [Gazebos](#) / 10' Bayside Panelized Octagon Gazebo



10' Bayside Panelized Octagon Gazebo

CAD ~~\$6,757~~ CAD \$5,994

It's not just our Gazebo's beauty that you'll love and appreciate, but the moments that it will bring to your life. Live each moment well with our 10' Bayside Panelized Gazebo.

*** Free Shipping * Satisfaction Guarantee * Instant Financing**

Optional Add-Ons

- ☐ Screen Kit with Screen Door (+CAD \$1,899)
- ☐ Bench Option / Per Bench (+CAD \$99)
- ☐ Delivery – Liftgate Delivery (+CAD \$100)
- ☐ 8x Rafter Bracket – Snow & Wind Load (\$120 Value Now included)

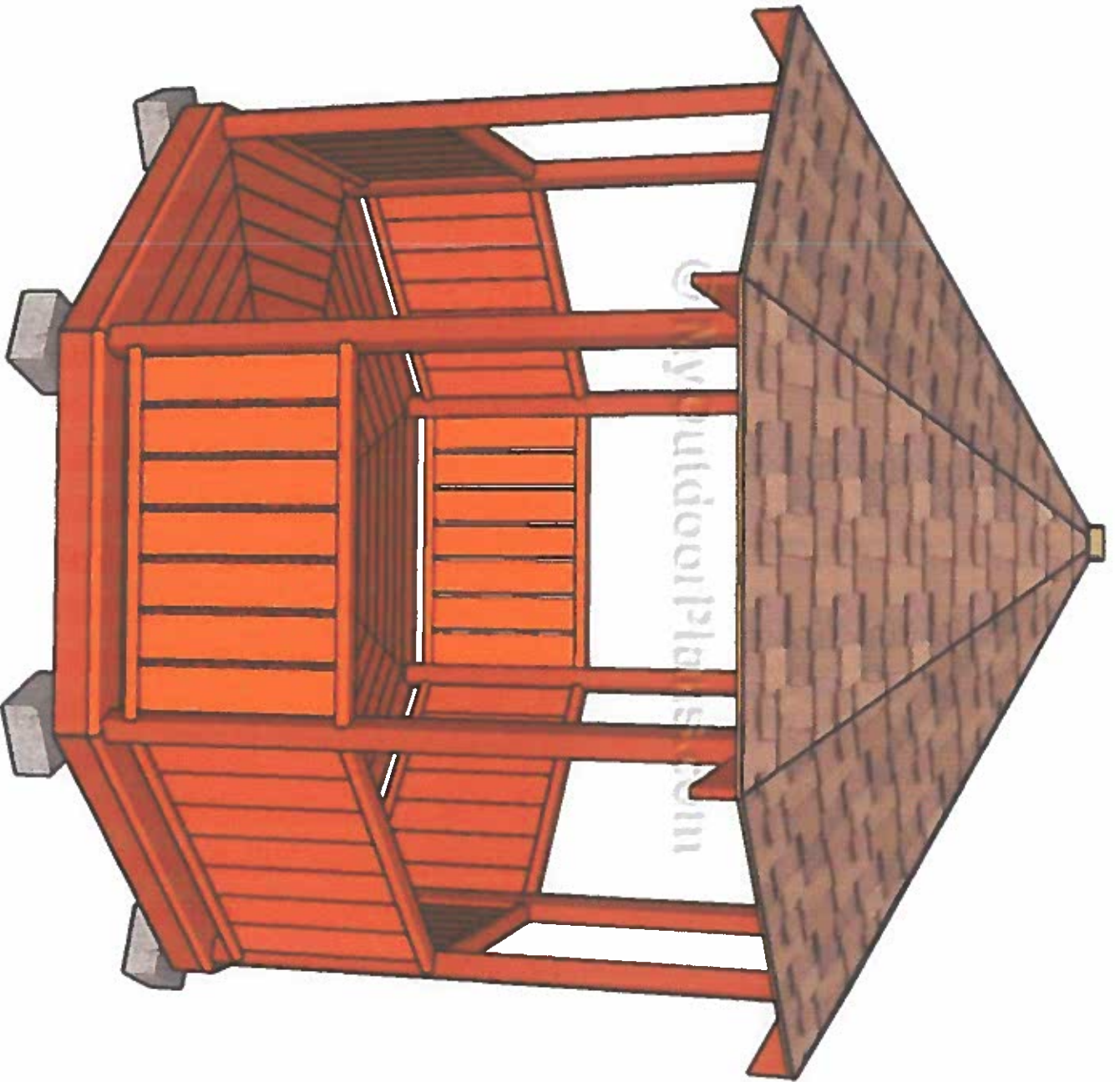
• 1x 10' Bayside Panelized Octagon Gazebo

CAD \$5,994

• Subtotal CAD \$5,994

%

D-1





Sept 14, 2012 3pm



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
OFFICE: 250-557-4295
Public Works: 250-557-4295
FAX: 250-557-4568
Email: office@portclements.ca
Web: www.portclements.ca

Minutes for the Regular Council Meeting held on Tuesday, September 3, 2019

Mayor Doug Daugert
Councillor Teri Kish
Councillor Brigid Cumming
Councillor Ian Gould

Regrets Councillor Kazamir Falconbridge

Ruby Decock, CAO

Members of the Public Present: Marilyn Bliss, Colleen Beachy

Meeting called to order at 7:05 PM

Mayor Daugert: I call to order this meeting of the Council of the Village of Port Clements being held on the traditional territory of the Haida People.

1. ADOPT AGENDA

2019-09-213—Moved by Councillor Cumming, seconded by Councillor Gould

THAT the September 3rd, 2019 Regular Council Meeting Agenda be adopted with the additions of G-3 – Request for meeting at UBCM – Ministry of Citizen Services and G-4 – BC Hydro Request to cancel UBCM meeting – CAO Decock verbal report.

CARRIED

2. PETITIONS, DELEGATIONS & OPENING OF SEALED TENDERS

T-1 – Housing Needs Assessment Opening of Sealed Bids

2019-09-214 – Moved by Councillor Gould, seconded by Councillor Cumming

THAT Council receives the bids of \$26,250 (including GST) from CO+Host Collective and \$22,500 (excluding GST) from Adele Kupp, MSW and Delores Day, BA.

CARRIED

3. MINUTES

M-1—August 19th, 2019 Regular Council Meeting Minutes

2019-09-215—Moved by Councillor Cumming, seconded by Councillor Kish

THAT Council adopts the August 19th, 2019 Regular Council Meeting Minutes.

CARRIED

4. BUSINESS ARISING FROM THE MINUTES & UNFINISHED BUSINESS

BA-1- Clinic Ventilation – Public Works Superintendent

2019-09-216- Moved by Councillor Cumming, seconded by Councillor Kish

THAT Council accepts and acts on Public Works recommendation that the VOPC source and supply hardware and materials and locally contracts the install and commissioning of a mid-residential sized heat return ventilator (HRV).

UB-1- Update on Fibre to Home Connections

2019-09-217- Moved by Councillor Council, seconded by Councillor Kish

THAT Council receives the update on the Fibre to Home Connections.

5. ORIGINAL CORRESPONDENCE

C-1—BC Climate Action Community 2018 – Green Communities Committee

2019-09-218—Moved by Councillor Cumming seconded by Councillor Gould

THAT Council receives the correspondence from the Green Communities Committee.

CARRIED

C-2—Invitation to meet with Northern Health at UBCM

2019-09-219—Moved by Councillor Cumming seconded by Mayor Daugert

THAT Council receives the invitation to meet with Northern Health while at UBCM.

CARRIED

C-3—Investing in Canada Infrastructure Program Grant -Ministry of Municipal Affairs and Housing

2019-09-220—Moved by Councillor Cumming seconded by Councillor Gould

THAT Council receives the correspondence from the Ministry of Municipal Affairs and housing regarding the Investing in Canada Infrastructure Program Grant.

CARRIED

2019-09-221—Moved by Councillor Cumming seconded by Councillor Gould

THAT the VOPC Council request staff to proceed with getting the well(s) drilled.

CARRIED

6. FINANCE

7. GOVERNMENT

G-1— Outdoor Fire Ban Bylaw, #452 Update – CAO Ruby Decock, DC Elizabeth Cumming

2019-09-222 – Moved by Councillor Cumming, seconded by Councillor Gould

THAT Council adopts the “Village of Port Clements Outdoors Fire Ban Bylaw, No. 452, 2019”

**OPPOSED MAYOR DAUGERT, COUNCILLOR KISH, COUNCILLOR CUMMING, COUNCILLOR GOULD
THEREFORE the “Village of Port Clements Outdoors Fire Ban Bylaw, No. 452, 2019” is defeated at third reading.**

**G-2—“Reserve Fund for Northern Capital and Planning Grant, Bylaw No. 453” – Municipal Management
Intern Emily Welford**

2019-09-223 – Moved by Councillor Cumming, seconded by Mayor Daugert

THAT Council does the 1st, 2nd & 3rd reading of the *Reserve Fund for Northern Capital and Planning Grant, Bylaw No. 453*

CARRIED

G-3— Request for meeting at UBCM – Ministry of Citizen Services

2019-09-224 – Moved by Councillor Cumming, seconded by Councillor Gould

THAT Council receives the request for meeting at UBCM from the Ministry of Citizen Services.

CARRIED

Action Item: Staff to write a letter stating that they are experiencing some problems with Port Clements citizen's internet due to interference from the cell tower which is recognized by TELUS. TELUS has since reduced transmission power to minimize these conflicts with local internet services; however, it is scheduled to receive fibre connections in the near future and this problem should be resolved at that time. However, we do wish to keep the Minister Jinny Simms informed on the progress of this plan.

G-4 – BC Hydro Request to cancel UBCM meeting – CAO Decock verbal report.

2019-09-225– Moved by Councillor Gould, seconded by Councillor Kish

THAT Council receives CAO Decock's verbal report.

CARRIED

2019-09-226- Moved by Councillor Cumming, seconded by Councillor Gould.

AND THAT That Council insists on meeting with BC Hydro at UCBM to discuss power generation and related issues

CARRIED

8. NEW BUSINESS

9. REPORTS & DISCUSSIONS

Mayor Daugert: Attended north west regional district hospital meeting in Terrace. Attended North Coast Regional District meeting. Gone from 10th – 13th & 20th – 27th.

Councillor Cumming: Attended Public meeting for the Park Management Plan.

Councillor Gould: Met with Andrew Hudson regarding grants for building tourist drawing trails, identified new funding through BC tourism.

Councillor Kish: Attended the Public Meeting for the Berry Maze.

CAO Decock: Met with Alannah from MIEDS to discuss business walks, registered for UCBM, putting out an RFP for the wharf repairs. Preparing for projects, such as the well. Gone from 20th – 27th.

10. ACTION ITEMS

A-1 – see Action Items list.

11. QUESTIONS FROM THE PUBLIC & PRESS

Colleen Beachy: Would like to have an update as to when the swings for small children and the mom and small child swing will be replaced.

CAO Response: Staff removed the swing set because the design was done incorrectly and was outdated. The legal way to have the swing is to have its own berth for the mom and tot swing separate from the other swing. The wooden structure was rotted out, and the cost to replace would exceed the budget, as it is \$14 000.00, and the new structure (that is compliant) might not fit in that space. In order to get the swing put in, we would have to have a budget amendment and ensure that there is enough space for them to be CSA compliant.

12. IN-CAMERA

As per section 90(1) of the *Community Charter*

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

2019-09-227—Moved by Councillor Cumming, seconded by Councillor Kish
THAT Council moves in camera as per Section 90(1)(j) at 8:28PM.
CARRIED

13. ADJOURNMENT

2019-09-228—Moved by Councillor Cumming
THAT this meeting be adjourned at 8:52 PM
CARRIED

Mayor Doug Daugert

CAO Ruby Decock

Board Highlights

August 23, 2019

Board Business:

1. Following several months of negotiations, the Board of the North Coastal Regional District (NCRD) and the Canadian Union of Public Employees (CUPE) Local 105-04 have ratified the 2019-2022 Collective Agreement between the NCRD and the CUPE Local 105-04.
2. The Board of the NCRD authorized staff to enter into agreement with Big Red Enterprises Ltd. for residential solid waste collection services on Haida Gwaii.
3. The Board of the NCRD appointed Mr. Carlos Ormond to serve as the Sandspit Commissioner of the Haida Gwaii Regional Recreation Commission.
4. The Board of the NCRD appointed Ms. Jessica Bagnall as Corporate Administrator to the North Coast Regional District, effective September 2nd, 2019. Ms. Bagnall joins the NCRD from the District of Houston and is a welcomed addition to the NCRD team.
5. The Board of the NCRD resolved to support signing a joint letter to Minister Heyman, Minister of Environment and Climate Change Strategy, regarding challenges local governments are facing with regulating collection of local Packaging and Printed Paper (PPP) and a request to amend provincial regulation to Industrial, Commercial and Institutional materials in the PPP stream.
6. The Board of the NCRD resolved to provide grant funding to the Village of Masset (on behalf of the Haida Gwaii Animal Welfare Group), in the amount of \$2,078.01, to support further investigation into an animal welfare strategy on Haida Gwaii.
7. The Board of the NCRD resolved to establish a deadline of October 16, 2019 at 4:00 P.M. for the following alternative approval processes: Electoral Area 'D' Parks and Trails Service Establishing Bylaw No. 633, 2019; Electoral Area 'A' Recreation Service Establishing Bylaw No. 635, 2019; and Electoral Area 'C' Recreation Service Establishing Bylaw No. 636, 2019. Further information on the alternative approval processes can be found on the NCRD website.
8. The Board of the NCRD resolved to obtain approval of Oona River Community Hall Service Establishing Bylaw No. 632, 2019 via assent voting with the following question to be placed on the ballot: "Are you in favour of the of the Board of the North Coast Regional District adopting the Oona River Community Hall Service Establishment Bylaw No. 632, 2019, which will permit the North Coast Regional District to establish a service within the community of Oona River to fund, annually, \$15,000 toward the operation, maintenance and capital improvement of the Oona River Community Hall and its associated properties".

For complete details of the August 23rd, 2019 Board meeting, the Agenda and Minutes are posted online at www.ncrdbc.com.

C |



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
OFFICE : 250-557-4295
Public Works : 250-557-4326
FAX : 250-557-4568
Email : office@portclements.ca
Web : www.portclements.ca

REPORT TO COUNCIL

Author: Elizabeth Cumming, Deputy Clerk
Date: 10 September 2019
RE: Permissive Exemption Bylaw No.454

BACKGROUND:

Annually Cedarview Community Church submits a request to the Village of Port Clements for a grant to cover their annual property taxes. Council has given this grant to them consistently for many years out of consideration of them being a public place of worship, and that these places have a role in enhancing the quality of life socially and culturally within the community.

Staff have recently discovered that giving this as a grant is not appropriate under the Community Charter. The grant is in effect a permissive exemption to taxation. Permissive exemptions to municipal taxes fall under Division 7 of the Charter and it is required that they are done by bylaw and not in the form of giving grants.

On September 9th, 2019 Cedarview Community Church submitted a request that the Village of Port Clements makes a bylaw to exempt them from property taxes on an ongoing basis.

DISCUSSION:

Under Section 224 of the Community Charter, Council has the authority to grant exemptions for municipal property taxes.

Such exemption excludes property taxes imposed by other government bodies, such as School Tax which is imposed by the provincial government. Exemptions from property taxes imposed by other authorities requires applying to these bodies for the exemption through their respective legislation (such as the School Act for an exemption to School Tax). Council can only exempt the property for the property taxes imposed by the municipality itself.

The following are some examples of types of properties which may be exempted under this legislation:

- Properties owned or held by charitable, philanthropic or other not-for-profit corporations,
- Properties owned or held by municipalities, regional districts or other local authorities,
- Properties that the Council considers would otherwise qualify for exemption under general statutory exemptions were it not for a secondary use,
- In relation to properties that are exempt under general statutory exemptions – buildings for public worship, an area of land surrounding the exempt building,

- Properties owned or held by athletic or service clubs or associations and used as public parks or recreations grounds, or for public athletic or recreational purposes,
- Properties operated as a licensed community care facility or registered assisted living residence,
- Properties providing municipal services under partnering agreements,
- Lands held for Cemetery purposes,
- Specified properties which are part of a revitalization area.

A permissive tax exemption is a means for Council to support organizations within the community which further Council's objectives of enhancing quality of life (economic, social, cultural) and delivering services efficiently and economically.

This type of exemption means there is one less property in the calculation for the distribution of property taxes across the municipality. This means that all non-exempt properties in the community would be required to contribute more in property taxes, as the property taxes that Cedarview Church would otherwise receive would be redistributed to them. This is no different than the taxpayers paying for the taxes through Council grants; however, this is more transparent and correct avenue for providing a payment of taxes from Council.

There is no obligation for Council to grant a permissive tax exemption.

Exemption terms can be given up to 10 years for a property and giving longer terms would be a better cost savings in terms of advertising costs than having to advertise a bylaw every year.

Approval of the requested Permissive Tax Exemptions for 2020 would result in lost municipal tax revenue of approximately \$350, which would need to be recovered through taxes payable by other taxpayers.

Public Notice for this proposed bylaw must be given following sections 227 and 94 of the Community Charter. This notice must be advertised for 2 consecutive weeks in the newspaper before the Bylaw is adopted. This requirement ensures the public is informed of the opportunity to provide public input on the proposed bylaw. We will advertise on September 27th and October 4th to meet these requirements prior to the potential adoption on October 7th.

The Bylaw must be adopted before October 31st, 2019 in order to be in effect for the 2020 tax year. As a follow up, Council would also be required (as per section 165 of the *Community Charter*) to develop a Permissive Exemption Policy that identifies how it manages these exemptions and the criteria in granting them. The policy could also identify a cap on the number and magnitude of exemptions given in a year, and any other criteria.

CONCLUSION:

Council has been providing property tax exemptions incorrectly through Council Grants. The correct method to providing tax exemptions is to enact a permissive exemption bylaw prior to October 31, 2019. The term of this exemption can be up to 10 years; however, Council can decide this to be a shorter term. Prior to adopting the bylaw, the municipality must advertise in a local paper and in public places that the bylaw is being considered. As there is no permissive tax exemption policy, Council will need to develop and adopt one for the upcoming Financial Management Plan for 2020 – 2025.

IMPLICATIONS:

STRATEGIC

(Guiding Documents Relevancy – Strategic Plan, Official Community Plan)

Public Places of Worship have a role in enhancing quality of life within a community, socially and culturally. Ensuring and improving the quality of life in the community is identified as a goal under the OCP.

FINANCIAL (Corporate Budget Impact)

Exemptions do not affect the total amount of collected tax revenue for the municipality, it only affects who will be paying the municipal taxes. Advertising costs for public notice are an estimated \$350.00 (based on 2019 rates), over time this cost would increase.

ADMINISTRATIVE (Workload Impact and Consequence)

Workload increases with time spent developing policy and managing bylaw.

RECOMMENDATIONS:

1. THAT Council adopts the Permissive Exemption Bylaw No. 454 for the 2020-2022 tax year that will exempt Cedarview Community Church from Municipal property taxes.

AND THAT Council directs staff to develop a Permissive Exemption Policy to bring back to Council and have in place for use in future Financial Management Plans.

2. THAT Council does not grant Cedarview Community Church an exemption for the 2020-2022 property tax year.

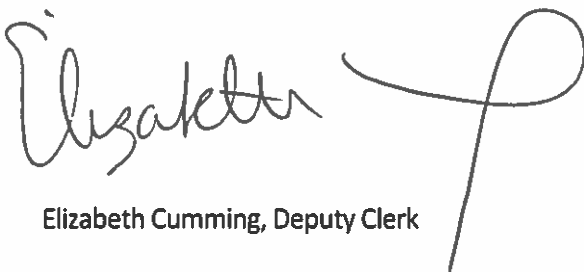
AND THAT Council directs staff to develop a Permissive Exemption Policy to bring back to Council and have in place before October 2020 to deal with future requests for exemption.

STAFF's RECOMMENDATION

THAT Council adopts the Permissive Exemption Bylaw No. 454 that will exempt Cedarview Community Church for the 2020-2022 municipal property taxes;

AND THAT Council directs staff to develop a Permissive Exemption Policy to bring back to Council.

Respectfully Submitted:



Elizabeth Cumming, Deputy Clerk

VILLAGE OF PORT CLEMENTS
PERMISSIVE EXEMPTION BYLAW,
BYLAW NO. 454, 2019

This bylaw is established to define the areas exemption from taxation pursuant to Section 224 of the *Community Charter* and will be cited for all purposes as "Permissive Exemption Bylaw, No. 454"

The Council of the Village of Port Clements, in open meeting assembled, enacts as follows:

WHEREAS:

1. As per the Community Charter [Section 224], Council may by bylaw exempt properties from taxation by the Village of Port Clements for a set term.
2. The following properties or portions of properties situated in the Village of Port Clements, B.C. shall be and are hereby exempt from property taxation by the Village of Port Clements for the year 2020.
 - a. Lot A, Block 54, Plan PRP13227, DL 746 owned by Cedarview Pentecostal Church and used as a public place of worship.

READ A FIRST TIME THIS 16th DAY OF SEPTEMBER 2019
READ A SECOND TIME THIS 16th DAY OF SEPTEMBER 2019
READ A THIRD TIME THIS 16th DAY OF SEPTEMBER 2019

RECONSIDERED AND FINALLY ADOPTED THIS __th DAY OF __ 2019

Douglas Daugert
MAYOR

Ruby Decock
CAO

CERTIFIED TO BE A TRUE COPY OF "PERMISSIVE EXEMPTION BYLAW NO. 454, 2019."



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
OFFICE : 250-557-4295
Public Works : 250-557-4326
FAX : 250-557-4568
Email : office@portclements.ca
Web : www.portclements.ca

Notice of Permissive Exemption Bylaw

The Village of Port Clements is considering for adoption Permissive Exemption bylaw No. 454, 2019 for a **one-year term**. The exemption will cover the 2020 taxation year (beginning January 1, 2020 and ending December 31, 2020). The Regular Meeting of Council is to be held October 7th, 2019 at 7:00 PM in the Council Chambers, Multiplex Building, 36 Cedar Avenue West.

Pursuant to Section (1) & (2) of the *Community Charter*, the following information is provided with regard to the Bylaw:

*PROJECTED MUNICIPAL TAX ESTIMATES

REGISTERED OWNER	LEGAL DESCRIPTION	CIVIC ADDRESS	DESCRIPTION	2020	2021	2022
Cedarview Pentecostal Church	Lot A, Block 54, District Lot 746, Plan PRP13227	161 Bayview Drive	Church	\$746.23	\$764.89	\$784.01

*Municipal Taxes do not include taxes imposed by other authorities, only taxes imposed by the Municipality.

5-1

Cedarview Community Church

167 Bayview drive

Port Clements , BC

VOT 1R0

250-557-4508-office

250-983-6763-cell

RECEIVED
Sept 9/19

@10:40 am. RD

Sept 8, 2019

Dear Village of Port Clements Council;

We , the board of Cedarview Community Church would like to make a request(motion) that the Village of Port Clements make a bylaw that allows Cedarview Community Church to be exempt from taxes on a on-going basis. We appreciate your consideration for this. We look forward to being able to be a constructive influence for the community indefinitely. Thanks,

Yours truly,

Pastor Wes Harder Wesley Harder

Board member [Signature]

Board member [Signature]

Board member Richard [Signature]

Village of Port Clements

Purchasing Policy

Policy No. 03

Originally prepared by Clerk/Treasurer Heather Nelson-Smith - 2009

Updated by CAO Kim Mushynsky - 2017

Draft Update by CAO Ruby Decock - 2019

Adopted: 2009 by Mayor and Council

Last Reviewed and amendments approved by Council: June 19, 2017

Next Review: May 2019

Objective: To set guidelines for the procurement of goods and services for the Village.

Policy: For works and services approved within the adopted financial plan, the following procedures are hereby set forth.

Procedure:

AUTHORITY

~~The CAO and Public Works Superintendent are hereby appointed by Council as the "purchasers" of the Municipality to purchase goods and services within the scope of this policy.~~
Council appoints the CAO, Public Works Superintendent, and Deputy Clerk, and Public Works Assistant as "purchasers" of the Municipality to purchase goods and services within the scope of this policy.

The Purchasers may only expend within the approval of the current adopted financial plan and the limits imposed by the current Establishing Officer Positions Bylaw's spending limitations.

Where practical the Village will endeavor to shop locally. Preference will be given to local suppliers and contractors up to a premium of 10%.

CONTRACTING WORKS

Annually the Village of Port Clements will put out a call for a list of services and/or equipment by contractors island wide. The Village will ensure that anyone included on this list is notified either by regular mail, email, fax or electronically of any quotes, tenders or request for proposals the Village puts out.

Contracting out for goods or services valued at \$5000.00 to \$15,000.00 \$20,000 (excluding taxes) requires written quotes. The Purchasers shall seek to obtain a minimum of three written quotations from Contractors, recognizing that we may not always succeed in receiving three quotes.

Quotes will be evaluated based on the following:

- a) Price
- b) Equipment and related experience and suitability
- c) Time frame of works

Contracting for works valued in excess of \$15,000.00 \$20,000 shall be done via tender or request for proposals. The Tender process is utilized when specifications and conditions to a contract are known. The contract is built into the tender document.

Tenders will be evaluated on but not limited to the following:

- i) The lowest of any price may not necessarily be accepted.

5-2

- ii) Must have evidence of successful performance for similar works.

Requests for proposals are used for the purchase of goods, services, equipment and materials when there are no specifications to work with, or when the Village is searching the marketplace for new and innovative ideas and has made a decision not to use specifications. A contract is formed after the successful proposal has been selected.

Request for Proposals will be evaluated on but not limited to the following:

- i) The lowest of any price may not necessarily be accepted.
- ii) Must have evidence of successful performance for similar works.

The Village of Port Clements reserves the right to offset any outstanding debts owed to the Village by the Contractor against any amounts owing to the Contractor in regards to contracted works.

All Tenders ~~and RFP's~~ will be opened during a Council meeting, ~~reviewed by staff~~ and approved by Council at ~~the~~ anext Council meeting unless an exception requires a quicker response. Council approval for opening of Tenders outside of Council meetings must be given.

All RFP's will be received and reviewed by staff and submitted to Council for approval by Council.

~~Urs Thomas~~Douglas Daugert
Decock
Mayor

~~Kim Mushynsky~~Ruby
CAO



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

36 Cedar Avenue West
PO Box 198
Port Clements, BC
V0T1R0
OFFICE : 250-557-4295
Public Works : 250-557-4326
FAX : 250-557-4568
Email : office@portclements.ca
Web : www.portclements.ca

REPORT TO COUNCIL

Author: Emily Welford, Municipal Management Intern
Date: August 28, 2019
RE: Northern Capital and Planning Grant Reserve Bylaw

BACKGROUND:

The Village of Port Clements received the Northern Capital and Planning Grant in March 2019. It is required that the Village put the funds into reserve, and establish a reserve bylaw in order to meet the conditions of the grant.

DISCUSSION:

As per the Community Charter (Section 188 as of August 2019), a Municipality may use bylaw to establish a reserve fund for a specified purpose.

The Minister of Municipal Affairs and Housing set out conditions pertaining to the funding that were outlined in an email sent in March. The conditions are that the funding must be in compliance with Sections 4.1.a and 4.1.c and Section 7 of the *Local Government Grants Act* as well as Section 32 and 34 of the *Local Government Grants Regulation*.

The Village already has a reserve fund Bylaw #30 and Bylaw #222; however, since section 4.1.a of the *Local Government Act* is very specific as to what funding can be spent on, it would be agreeable to make a new bylaw that is specific to the Northern Capital and Planning grant. Furthermore, creating a bylaw and investing the funds in its own reserve fund would protect the monies them from being mismanaged in the future.

In addition to establishing this reserve fund, the Minister of Municipal Affairs and Housing reporting standards set out by that must be met on an annual basis until the funds have been completely allocated.

CONCLUSION:

Council should enact a bylaw to protect these monies and ensure compliance with the conditions in the Northern Capital and Planning Grant Program. If council does not approve this bylaw, there may be financial ramifications for not meeting the conditions of this conditional grant (i.e. having to give the money back).

G-3

IMPLICATIONS:

STRATEGIC
N/A

(Guiding Documents Relevancy – Strategic Plan, Official Community Plan)

FINANCIAL

(Corporate Budget Impact)

- Allow funds to accumulate interest if in an interest-bearing reserve fund

ADMINISTRATIVE

(Workload Impact and Consequence)

- Time spent preparing annual and cumulative reports

STAFF'S RECOMMENDATION

1. That Council enacts Bylaw #453, *"Reserve fund for Northern Capital and Planning Grant"*.

Respectfully Submitted:



Emily Welford
Municipal Management Intern

VILLAGE OF PORT CLEMENTS
RESERVE FUND FOR NORTHERN CAPITAL AND PLANNING GRANT,
BYLAW NO. 453, 2019

This bylaw is established to create a Reserve fund for the Northern Capital and Planning Grant and will be referenced as the "*Reserve fund for Northern Capital and Planning Grant Bylaw, No. 453*".

The Council of the Village of Port Clements, in open meeting assembled, enacts as follows:

WHEREAS:

1. This bylaw hereby establishes a reserve fund for the Northern Capital and Planning Grant to fulfill the conditions of the grant.
2. As per the *Community Charter* (Section 188 as of Aug 2019), Council may by bylaw, establish a reserve fund for a specified purpose and direct that money to be placed to the credit of the reserve fund.
3. The Village of Port Clements will keep the monies received as the Northern Capital and Planning Grant in a separate dedicated reserve fund for capital and planning purposes.
4. The monies will only be used for capital and long-term planning purposes in accordance with the *Local Government Act* (Section 4.1.a and 4.1.c; Section 7) and the *Local Government Regulation* (Section 32 and 34).
5. The grant monies can only be used for reviewing, studying, planning or implementing matters relating to local government planning or growth management OR for reviewing, studying, planning or constructing water supply and distribution facilities, sewage collection and disposal facilities, major municipal highways or other infrastructure.
6. The Village may transfer other money into this reserve fund but may not transfer money from this fund to other reserve funds.
7. The Village must produce an annual report that explains the use of the money in the reserve fund over the year, and the balance of the reserve fund at the end of the calendar year.
 - a. These reports must be included as a separate schedule to the annual audited financial statements.
 - b. This annual reporting must continue until the reserve fund is completely utilized (i.e. drawn down to zero).

READ A FIRST TIME THIS 3rd DAY OF SEPTEMBER 2019
READ A SECOND TIME THIS 3rd DAY OF SEPTEMBER 2019
READ A THIRD TIME THIS 3rd DAY OF SEPTEMBER 2019

RECONSIDERED AND FINALLY ADOPTED THIS __th DAY OF __ 2019

Douglas Daugert
MAYOR

Ruby Decock
CAO

CERTIFIED TO BE A TRUE COPY OF "RESERVE FUND FOR NORTHERN
CAPITAL AND PLANNING GRANT, BYLAW NO. 453, 2019."

6-3

September 4, 2019

Backgrounder regarding the proposed amalgamation of the Athlii Gwaii Legacy Trust and the Gwaii Trust Society

The Gwaii Trust Society is a provincially legislated not for profit which has operated successfully since 1994 under the local control of a consensus-based Board of Directors representing all communities on Haida Gwaii. The Society was seeded with a \$38.2 million contribution from the federal government as a part of the agreement that created Gwaii Haanas. The Gwaii Trust operates as a perpetual fund, with the original principle, plus an annual increment for inflation, set aside each year to guarantee that the funds will remain in perpetuity. The interest generated from the investments is available for community granting, creating an enduring legacy to the benefit of many future generations of Haida Gwaii residents.

The Gwaii Trust fund is now worth over \$85 million dollars and almost \$80 million dollars has been distributed on Haida Gwaii through a variety of grant programs since its inception. Funding has been invested to help Islanders pay for post-secondary studies, youth programs, Haida Language programs, food banks and infrastructure among many other worthy projects. The Gwaii Trust Society is a true success story.

The Athlii Gwaii Legacy Trust, (previously named the Gwaii Forest Charitable Trust) is a charitable trust legislated provincially under a deed of trust. The Athlii Gwaii Legacy Trust was created in 2007, when the government of British Columbia (with Federal sign off) transferred the remnants of what was then the South Moresby Forest Replacement Account, at the time worth \$24 million, to local control, with the Gwaii Trust directors acting as trustees.

Athlii Gwaii has three trustees. Two members of the Gwaii Trust Society Executive act as individual trustees and the Gwaii Trust Society as a whole serves as the third trustee (called a corporate trustee). The Athlii Gwaii Legacy Trustees manage a perpetual fund currently worth approximately \$45 million. The Athlii Gwaii fund is invested to mirror the Gwaii Trust Society portfolio of investments.

At the time of the transfer, the federal government felt that the charitable trust model was the only acceptable structure for these funds and a deed of trust was created which contained a mixture of charitable and non-charitable purposes, focussing on contributions to the long-term stability of forest resources on the Islands and supporting the stability of the communities through adjustment to changes in the forest economy of the Islands.

U-4

When the financial crisis of 2008 hit, the value of the Athlii Gwaii fund dipped below its protected amount and granting ceased while the fund rebuilt a reasonable reserve beyond the core amount. By 2013, the fund had rebuilt to a level where granting was deemed prudent (the original investment indexed for inflation with a buffer of 20%).

As the trustees began examining the purposes of the Trust to see how they could best impact the Island's struggling economy they came upon an error that had inadvertently been built into the Trust Deed. The trustees requested a legal opinion from Donovan Waters, Canada's leading expert on trust law, who confirmed that there was an error in the original set up of the trust. It was his opinion that a charitable trust could not carry out the mixed charitable and non-charitable purposes outlined in the deed and that in fact the trust was void- a bare trust. After review, both the Province and the Federal governments agreed with Dr. Water's opinion. In short, the trust was not valid. There were also concerns that if the AGLT's charitable status was in question, there may be issues with the non-taxable status through Canada Revenue Agency. With the uncertainty of the legal status of AGLT, the trustees felt it was not fiduciarily responsible to fund the purposes of AGLT until this was resolved.

The trustees have been working with both the provincial (as represented by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) and federal government (as represented by Environment and Climate Change Canada and Natural Resource Canada) since March of 2014 to rectify this problem. Unfortunately, the process of garnering federal and provincial approval has been mired in bureaucracy and rife with delays. The solution that the trustees and government representatives had been pursuing was a dissolution of the trust and a transfer of the funds to a federally regulated not for profit society.

In late 2017, the federal government proposed rolling the Athlii Gwaii fund into the Gwaii Trust fund. The federal and provincial governments agreed that this would be a significantly easier road since the Trust is already a legal entity with essentially the same mandate, has a business plan and a long operational history. The Gwaii Trust agreed to pursue this option with the intention to operate AGLT under its own stand-alone program within the Gwaii Trust, ensuring all capital and both current and future earnings are accorded back to the program. In addition to expediting the process to resume granting, the Board sees several advantages to the amalgamation including efficiencies and cost savings, simplification and the ability to amend purposes and funding parameters as needed.



Gwaii Trust Society

PO Box 588, Masset, Haida Gwaii, V0T 1M0
www.gwaiitrust.com

phone: 250.626.3654 fax: 250.626.3261 (Masset Office)
phone: 250.559.8883 fax: 250.559.8876 (Skidegate Office)

5-4

A comprehensive review of the request was performed by the federal government to ensure that they had completed their due diligence and a number of requirements and conditions were met by the Athlii Gwaii Trustees. The provincial representatives from the Ministry of Forests, Lands and Natural Resource Operations and Rural Development indicated that they were amenable to the proposed transfer but were waiting on the federal government's agreement before providing a letter to that effect.

In July of this year, the trustees received a copy of a letter jointly signed by Natural Resources Canada and Environment and Climate Change Canada addressed to FLNRORD. The letter of comfort indicated that the Government of Canada was in support of the strategy of transferring funds and was looking to work with the province to facilitate the transfer. The trustees were assured that a similar letter would be forthcoming from the provincial representatives.

The Trustees were frustrated to learn from their contact at FLNRORD this week that a letter of comfort was not eminent and that there would be a new representative on the file as well as new legal counsel. Both of these yet to be named contacts would need to be brought up to speed on a long and complex file. This will add yet another delay to the process.

While this file may not be a priority for the province, it is a priority for Haida Gwaii. There is significant pressure on the Trustees to recommence with distributing these funds, and the excuse that we are waiting for government is wearing thin.

The Trustees of Athlii Gwaii request that the original error in the creation of the charitable trust be rectified without further delay through transferring the funds to Gwaii Trust Society and allowing them to do the good work as originally intended when the funds were transferred to their control.

June 25, 2019



Mr. Chris Stagg
Assistant Deputy Minister
Timber Operations, Pricing and First Nations Division
BC Ministry of Forests, Lands, Natural
Resource Operations and Rural Development

Dear Mr. Stagg:

RE: Athlii Gwaii Legacy Trust request to transfer trust funds to Gwaii Trust Society fund


The Athlii Gwaii Legacy Trust (AGLT) has approached the Government of Canada (GoC) and the Government of British Columbia with a request to transfer funds currently in the AGLT (a perpetual trust) to a fund managed and owned by the Gwaii Trust Society (GTS). The GTS is a not-for-profit society formed under BC legislation. The GoC and the Government of British Columbia, as part of the 1988 South Moresby Agreement, jointly funded the AGLT. AGLT's request would require an amending agreement signed by both the federal Minister of the Environment and Climate Change and the BC Minister of Forests, Lands, Natural Resource Operations and Rural Development.


We are writing this letter to indicate that the GoC, as represented by Environment and Climate Change Canada (ECCC) and Natural Resources Canada (NRCan), agrees with the strategy of transferring funds from the AGLT to the above-mentioned GTS fund. The departments have reviewed the request from both a policy and legal perspective and see no impediments to this conversion. A working group with members from our departments (Sophia Lee, Director of Strategic Relations, ECCC; and Brad Stennes, Director Policy, Planning and Operations, NRCan) along with Peter Wyatt, Acting Executive Director, Rural Opportunities, Tenures and Engineering Division from your Ministry are working with Errol Winter, Chief Investment Officer for the AGLT. The working group will finalize a work plan to facilitate the conversion of funds, including to our understanding, a next step of enacting provincial legislation to dissolve the AGLT.

At this time, neither NRCan nor ECCC have gone forward to our Federal Ministers. We are prepared to seek that support prior to you going to your provincial Cabinet committee.

Please confirm our understanding of the Government of BC's support for proceeding with this approach as well as the next step of finalizing a work plan through the working group.

Yours truly,


Caroline Caza
Director General, West and North
Environment and Climate Change Canada


Judi Beck
Director General, Pacific Forestry Centre
Natural Resources Canada, Canadian Forest
Service

cc: James Cowpar, Trustee, Athlii Gwaii Legacy Trust
Jason Alsop, Trustee, Athlii Gwaii Legacy Trust
Clyde Greenough, Trustee, Athlii Gwaii Legacy Trust
Warren Foster, Athlii Gwaii Legacy Trust

5-4



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

Canada

ACTION ITEMS

#	Date	Description	Lead	Follow up
A30	06-09-2016	Weight Room Upgrades	Administration	Questionnaire distributed on equipment use - Several Turned in. Grant Writer to look for opportunities Ruth Bellamy & CAO toured facilities to determine what improvements should be made. Grant Writer searching out funding.
	14-03-2019			Councillor Kish contacted Grant Writer about grants. She also spoke to Ruth Bellamy about equipment and removal of non-essential items. Plan to dispose of these items during free tipping day
A36	08-08-2017	Sunset Park Mgmt. Plan	Council	Review recently adopted Management plan in Nov/Dec 2017 and again in Nov/Dec 2018.
	16-04-2019			Draft plan circulated to Council for review.
	03-06-2019			Motion made to hold public hearing and then adopt Management Plan. Staff dealing with scheduling.
	31-07-2019			Requested date for Aug 20/20 - waiting for confirmation
	22-08-2019			Public Meeting held to receive comments on proposed plan and Berry Maze
A-41	2018-09-260	Amend the Campground Bylaw fees		Still in Progress - Still needs to be reviewed
A42	03-09-2019	Interference with Telus Tower		CAO to write letter explaining issue to Telus
A43	03-09-2019	Energy Monitoring Services BC Hydro		CAO to write back to BC Hydro; insit on meeting

A-1